

REMARKS

The Applicant appreciates the Examiner's careful examination of this case. Reconsideration and re-examination are respectfully requested in view of the instant remarks.

With regard to paragraph 2 of the Office Action and the claim rejections under 35 USC 112, claim 11 has been amended to delete the word "when" as suggested by the Examiner.

With regard to pages 2, 3 and 4 of the Office Action and the claim rejections under 35 USC 102, it is noted that the Examiner has rejected claims 1 - 9, 11 - 17, 19 and 21 - 24 as being anticipated by Jay (US. Patent No. 5,018,790). In view of this objection, a new claim 1 is proposed which is a combination of claims 1, 2, 3, 5, 22 and 24 as last examined. In the proposed new claim 1, it is specified that the Applicant's first and second parts are the only parts in the seat portion which provide a posterior-supporting function. In contrast, the Jay seat portion must always have what might be regarded as first and second parts as shown in Figure 1 plus the fluid filled pad 42 shown in Figure 3 and forming an essential part of all of the Jay claims. The Applicant does not have the fluid filled pad which would be regarded as a third part providing a posterior-supporting function.

The proposed new claim 1 also specifies that the Applicant's insert substantially fills the recess. It will be apparent from the Jay Figure 2 that Jay also does not disclose this feature. Thus the proposed claim 1 has two features which are not disclosed in Jay, and which make it clear that the Applicant's seat portion is nothing like the seat portion of Jay which clearly requires a fluid filled pad as an essential third part, and which also clearly is such that the Jay inserts do not substantially fill the Jay recess.

Claims 2, 3, 5, 19, 22 and 24 have been deleted. The Applicant relies for patentability of the remaining claims on the fact that these remaining claims include all of the features of the new claim 1, which new claim 1 is believed to be allowable for the reasons stated above.

With regard to the rejection of claims 10 and 20 mentioned on pages 4 and 5 of the Office Action, the Applicant relies for patentability of these claims on the fact that these claims include all of the features of the new claim 1, which new claim 1 is believed to be allowable for the reasons stated above.

With regard to page 5 of the Office Action, the Applicant was very much obliged to the Examiner for kindly indicating that claim 18 would be allowable if rewritten to overcome the rejections under 35 USC 112, second paragraph, set forth in the Office Action. In reviewing Jay, it is however believed that the Applicant is entitled to a little broader protection than would be afforded by claim 18.

With regard to the last paragraph on page 5 of the Office Action, the prior art made of record and not relied upon by the Examiner has been carefully considered. This prior art is not believed to affect the allowability of the present claims, nor the above submissions.

Accordingly, it is respectfully submitted that this application is in condition for allowance. Early and favorable action is respectfully requested.

If for any reason this **RESPONSE** is found to be **INCOMPLETE**, or if at any time it appears that a **TELEPHONE CONFERENCE** with Counsel would help advance prosecution, please telephone the undersigned or one of his associates, collect in Waltham, Massachusetts, at (781) 890-5678.

Respectfully submitted,



Thomas E. Thompson, Jr.

Reg. No. 47,136

The Patent Office date stamp sets forth the date of receipt of:

Applicant: Terry Glyn Moule.

Serial No.: 10/563,546

Title: SEAT PORTION OF A SEAT

Docket No: GJ-273J Atty.'s initials: TET/sf

Enclosed: Transmittal letter and copy; and
RESPONSE to the Office Action mailed June 5, 2007

